

Remarks/Arguments

Reconsideration of the above-identified application in view of the following remarks is respectfully requested. Claims 1-26 are pending in the present application.

Allowable Subject Matter

The Examiner's indication that claims 12-13, 18-20 and 25 would be allowable if rewritten in independent form is respectfully acknowledged with appreciation.

Claim Rejection – 35 U.S.C. § 112

Claim 17 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, claim 17 was rejected for allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains make the invention. Allegedly, the specification does not describe the “releasable locking means” recited in claim 17.

It is respectfully submitted that the specification does describe the releasable locking means recited in claim 17. The specification describes releasable locking means on page 12, lines 23-26, continuing onto page 13, lines 1-9 of the present application. This portion of specification discloses that rotation of the retractor 62 tensions the cable 52, and that the drive gear 80 and the ratchet gear 90 rotate with the retractor 62. As the retractor 62 tensions the cable 52, the pawl 92 engages the ratchet teeth 94 of the ratchet gear 90, maintaining the retractor 62 at its current position. This maintains tension on the cable 52 which thereby maintains the clamping force exerted on the device 14 by the clamping portion 42. By preventing

movement of the clamping arm 100 relative to the shaft 30, the ratchet gear 90, the ratchet teeth 94, and the pawl 92 effectively act as locking means by holding the clamping arm 100 at a fixed position. The specification further states that the pawl 92 can be disengaged from the ratchet teeth 94 by rotating the pawl away from the ratchet gear 90. This causes the device 14 to be released from the instrument 12. Thus, the above-identified locking means are releasable.

In view of the foregoing, it is respectfully submitted that the specification adequately describes the releasable locking means recited in claim 17. Accordingly, it is respectfully requested that claim 17 be allowed.

Drawing Rejection – 37 C.F.R. 1.83(a)

The drawings were objected to under 37 C.F.R. 1.83(a) as failing to show every feature of the invention specified in the claims. Allegedly, none of the drawings illustrates a reference number for a releasable locking means as recited in claim 17. As discussed above, the releasable locking means is comprised of the ratchet gear 90, the ratchet teeth 94, and the pawl 92. These three features are clearly shown in Fig. 3 and Fig. 4 of the present application. In view of the foregoing, it is respectfully requested that this objection be withdrawn.

Claim Rejection – 35 U.S.C. § 102

Claims 1-11, 14-17, 21-24, and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,928,263 to Hoogeboom.

Claim 1 recites an apparatus for insertion into a body lumen. The apparatus has a clamping arm that includes a first end that has a pivotal connection with a distal end of an elongate member. The pivotal connection provides pivotal

movement of the clamping arm relative to the elongate member. The clamping arm extends away from the pivotal connection toward a proximal end of the elongate member.

It is respectfully submitted that claim 1 is not anticipated by Hooegeboom because this reference does not teach or suggest an apparatus having a clamping arm that extends away from a pivotal connection towards the proximal end of an elongate member.

Hooegeboom discloses a surgical instrument with a dual lever actuating mechanism which shifts the point of maximum leverage more towards the distal end as compared with other surgical instruments of the same general type. Figs. 1-4 of Hooegeboom clearly show that the clamping arm 18 extends towards the distal end 14 of the elongate tubular member 12. This is unlike the apparatus recited in claim 1, as there the clamping arm extends away from the pivotal connection towards the proximal end of the elongate member. Furthermore, the disclosure of Hooegeboom does not teach or suggest an apparatus having a clamping arm that extends away from a pivotal connection towards the proximal end of an elongate member. Hooegeboom states only that the end effector 18 of the surgical 10 instrument can be understood to encompass jaws, blades, needle holders, scissors, tissue forceps, smooth holding platforms, etc. (col. 3, ll. 45-40). Hooegeboom does not teach or suggest that the orientation of any of these possible end effectors be situated in a manner that would result in the clamping arm extending away from a pivotal connection towards the proximal end of an elongate member.

In view of the foregoing, it is respectfully submitted that Hooageboom does not teach an apparatus having a clamping arm that extends away from a pivotal connection towards the proximal end of an elongate member. Accordingly, it is respectfully requested that claim 1 be allowed.

Claims 2-20 depend from claim 1 and are allowable for at least the reasons claim 1 is allowable, and for the specific limitations recited therein. Accordingly, it is respectfully requested that claims 2-20 be allowed.

Claim 21 recites an apparatus for insertion into a body lumen. The apparatus has a clamping arm that includes a first end that has a pivotal connection with a distal end of an elongate member. The pivotal connection provides pivotal movement of the clamping arm relative to the elongate member. The clamping arm extends away from the pivotal connection toward a proximal end of the elongate member.

It is respectfully submitted that claim 20 is not anticipated by Hooageboom because this reference does not teach an apparatus having a clamping arm that extends away from a pivotal connection towards the proximal end of an elongate member. As discussed in detail above, the clamping arm of Hooageboom extends towards the distal end of the elongate tubular member, unlike the apparatus recited in claim 21. It is therefore respectfully submitted that Hooageboom does not teach an apparatus having a clamping arm that extends away from a pivotal connection towards the proximal end of an elongate member. Accordingly, it is respectfully requested that claim 21 be allowed.

Claims 22-26 depend from claim 21 and are allowable for at least the reasons claim 21 is allowable, and for the specific limitations recited therein. Accordingly, it is respectfully requested that claims 22-26 be allowed.

Conclusion

It is respectfully submitted that the above discussion of the cited reference traverses all presented rejections, thus placing all pending claims in condition for allowance. Therefore, allowance of the application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this response to our Deposit Account No. 20-0090.

Respectfully submitted,

/Richard S. Wesorick/

Richard S. Wesorick
Reg. No. 40,871

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
1300 East Ninth Street, Suite 1700
Cleveland, Ohio 44114
Phone: (216) 621-2234
Fax: (216) 621-4072
Customer No. 26,294